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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,317	05/19/2000	Michael J. Polcyn	47524-P069D2-10015700	7216

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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/574,317

Applicant(s)

Polcyn

Examiner

Bing Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 3, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 14 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Brief Of Appellants***

1. In view of the Appeal Brief filed on Sep 03, 2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Allowable Subject Matter***

2. The indicated allowability of claims 15 and 17-20 are withdrawn in view of the newly discovered reference to Arbel et al (US Pat No. 5,276,731). Rejections based on the newly cited references follow.

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***Claim Rejections - 35 U.S.C. § 102***

3. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arbel et al (US Pat No. 5,276,731).

**Regarding claim 1**, with respect to Figure 1, Arbel et al teach a system (as shown in Figure 1) for completing calls from a calling party (caller associated with telephone set "100") directed to a particular called party (user associated with "IVDT 130"), said system comprising:

    calendar information (date and time) with respect to said called party stored on a general purpose processor-based system ("DATABASE 360") (col 10, Ins 11-68); and

    means for providing select portions ("DATABASE 360") of said calendaring information (time of day and certain dates) to an automatic call routing system("SYSTEM 140"), wherein a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendaring information (i.e., re-routing the incoming call in accordance with calendar information entered or updated by the user associated with "IVDT 130") (col 10, Ins 11- 27 and col 12, Ins 7-19).

**Regarding claim 2**, Arbel et al further teach the calendaring information comprises a data file ("DATABASE 360") associated with a electronic calendar program operable on a personal computer ("IVDT 130" associated with the user is a combination

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of a telephone and a personal computer that used for entering or updating (programming) time of day, certain dates and where that the user wants his incoming calls to be re-routed) (col 7, Ins 62-64 and col 10, Ins 41-68)

**Regarding claim 3,** Arbel et al further teach the providing means ("DATABASE 360") is operable automatically (col 12, Ins 7-19).

**Regarding claim 4,** Arbel et al further teach the automatic operation of said providing means ("DATABASE 360") is initiated upon modification (updating or entering) of said calendaring information (time of day and certain dates) stored on said general purpose processor-based system ("DATABASE 360") (col 10, Ins 11-27 and col 10, Ins 41-68).

**Regarding claim 5,** Arbel et al further teach the automatic operation of said providing means ("DATABASE 360") is initiated at a preselected time interval (col 10, Ins 11-27 and col 12, Ins 7-19).

**Regarding claim 6,** Arbel et al further teach the providing means comprises means for gleaning said select portions of said calendaring information (time of day and certain dates) from a data file stored on said general purpose processor-based system ("DATABASE 360"); and means for manipulating (computer keyboard or telephone dialpad of the "IVDT 130" associated with the user) said gleaned information to provide said calendaring information (time of day and certain dates) in a format suitable for

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augmentation into call routing information of said call routing system ("SYSTEM 140") (col 10, lns 41-68).

**Regarding claim 7**, Arbel et al further teach the providing means further comprises means for selectively disseminating (deleting or changing) at least a portion of said calendaring information (time of day and certain dates) through said call routing system ("SYSTEM 140") wherein said disseminated calendaring information (deleting or changing time of day and dates) results in a humanly (user associated with the "IVDT 130") perceptible reproduction (user of said at least a portion of said calendaring information (col 10, lns 41-68).

**As to claims 8-14**, they are rejected for the same reasons set forth to rejecting claims 1-7 above, since claims 8-14 are merely a method of operation for the system defined in the system claims 1-7.

**As to claims 15 and 17-20**, they are rejected for the same reasons set forth to rejecting claims 1 and 3-6, respectively.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foladare et al (US Pat No. 6,018,572) disclose a system and method for prioritizing telephone calls.

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Fitzpatrick et al (US Pat No. 5,436,963) disclose a calendar database.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Bing Bui  
Patent Examiner

  
**AHMAD F. MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600